U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 30, 2008

BY FACSIMILE

Andrew J. Ceresney, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10013

> Re: **United States v. Emmanuel Oruche et al,**
> **S2 07 Cr. 124 (WHP)**

Dear Mr. Ceresney:

   Pursuant to Federal Rule of Evidence 404(b), the Government writes to inform you that, if this case proceeds to trial, it may seek to elicit testimony from witnesses and introduce evidence regarding the defendant's prior narcotics-selling activity as proof of the defendant's intent to distribute narcotics and knowledge of the crimes charged in the indictment. Such evidence would consist of:

   The events surrounding Joseph Oluigbo's importation of approximately 754 grams of heroin into the United States at JFK airport and related conviction on or about July 16, 1991, in Queens County Supreme Court.

In addition, the Government writes to inform you that, if this case proceeds to trial, it may seek to elicit testimony and introduce evidence regarding the following, which it does not consider 404(b) evidence because it is intrinsic to and/or inextricably intertwined with the charged offenses:

   Joseph Oluigbo's participation with Emmanuel Oruche and others in a conspiracy to import and distribute heroin in the United States in 2005. Such evidence would include testimony that in 2005, Joseph Oluigbo aided Emmanuel Oruche in importing and distributing heroin by transporting drug couriers within the United States and otherwise arranging for their travel within and outside of the United States.

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: _____

Michael M. Rosensaft
Assistant United States Attorney
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